

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 17, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FIRST INTERSTATE BANK,
a Montana State Chartered Bank,

Plaintiff,

v.

WALL STREET APARTMENTS,
LLC, a Washington limited liability
company,

Defendant.

NO: 2:24-CV-0115-TOR

ORDER REMANDING CASE TO
STATE COURT

BEFORE THE COURT is Defendant's Motion for Remand and Motion to Expedite. ECF Nos. 4 and 5. This matter was submitted for consideration without oral argument. The Court has reviewed the completed briefing and the record and files herein and is fully informed. No further delay is warranted. This is the second time this case has been removed to federal court.

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ORDER REMANDING CASE TO STATE COURT ~ 1

1 This case involves a state court receivership of an apartment building. Neil
2 E. Humphries asserts that he is the attorney for the Defendant Wall Street
3 Apartments, LLC. ECF No. 1. However, in State Court, a general receiver was
4 appointed for Wall Street Apartments, LLC., Barry W. Davidson. Mr. Davidson
5 and Wall Street Apartments, LLC are represented by Aaron D. Goforth of Randall
6 Danskin, PS.

7 Mr. Humphries contends this action is removable under 28 U.S.C. § 1443,
8 civil rights cases.

9 The removal statutes require removal within 30 days of receipt of the case's
10 initial pleading. *See* 28 U.S.C. § 1446(b)(1). Here, Mr. Humphries has not timely
11 removed this action to Federal Court. This case started in state court over eleven
12 months ago. The first notice of removal was rejected as untimely when it was filed
13 on December 26, 2023. *See* USDC case number 2:23-CV-0376-TOR. This second
14 notice of removal was filed on April 5, 2024, well beyond the 30-day time limit.

15 This untimely and unjustified removal of this action to Federal Court must
16 be reversed and remanded back to state court.

17 **ACCORDINGLY, IT IS HEREBY ORDERED:**

18 Defendant's Motion to Remand and Motion to Expedite, ECF Nos. 4 and 5,
19 are **GRANTED**. The Court hereby **REMANDS** this case to the Spokane County
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1 Superior Court, State of Washington, former Case No. 23-2-01717-32, for all
2 further proceedings.

3 The District Court Clerk is directed to enter this Order, provide copies to
4 counsel, mail a certified copy of this Order to the Clerk of the Spokane County
5 Superior Court, and **CLOSE** this file.

6 **DATED** April 17, 2024.



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Thomas O. Rice
THOMAS O. RICE
United States District Judge